

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

<b>WARREN DURHAM, JR., Plaintiff</b>	:	<b>C.A. NO. 02-82 ERIE</b>
	:	
<b>v.</b>	:	<b>District Judge Cohill</b>
	:	<b>Magistrate Judge Baxter</b>
<b>JAMES D. WASHBURN, <i>et al.</i>,</b>	:	
<b>Defendants</b>	:	

**MOTION FOR EXTENSION OF TIME  
TO FILE PRE-TRIAL MOTIONS**

**AND NOW**, comes the defendant, WEST END AUTO BODY, INC., by and through its counsel, DAVID G. RIDGE, ESQUIRE, and on behalf of all parties, files this Motion for Extension of Time to file dispositive motions and in support thereof, states as follows:

1. As a result of a pre-trial conference/settlement conference, the Honorable Susan Paradise Baxter issued a Case Management Order on June 21, 2006 indicating that discovery was to be completed by August 31, 2006, and that dispositive motions were due by September 15, 2006, with any response to the dispositive motions due by September 29, 2006.

2. Subsequent to that Order, a Motion for Extension of Time to Complete Discovery was filed. The Honorable Court granted the Motion and allowed discovery to be completed by October 2, 2006. No further mention was made of the deadlines for filing of dispositive pre-trial motions or the Responses.

3. The parties did complete discovery by the October 2 deadline. During that same time period, and up to October 11, 2006, the parties attempted to correspond concerning a possible settlement in this matter. The attempted telephone contacts with the plaintiff could not be completed because the defendant had been in the hospital.

4. On October 11, 2006, plaintiff did contact Attorney David Ridge and a final attempt

at settlement was made. However, a settlement could not be reached, and it appears as though the parties will be proceeding to litigation before the Court.

5. Since the parties have completed discovery , and since the parties did take the additional time to make a good faith attempt at settlement, all parties respectfully request that this Honorable Court grant a motion to extend time to file dispositive pre-trial motions and responses. Specifically, it is requested that the parties be given until October 31, 2006 in which to file dispositive pre-trial motions, and that the parties also then be given until November 15, 2006 in which to file responses.

6. This specific matter was discussed between Attorney Ridge and Mr. Durham during the settlement negotiation telephone conference of October 11, 2006. At that time, Mr. Durham specifically agreed that this request should be made and consented to the deadlines set forth above.

7. Attorney Gerald Villella, Solicitor for the City of Erie, also joins in this request.

8. David G. Ridge, Esquire, counsel for West End Auto Body, Inc., agreed to file the request with the Court.

**WHEREFORE**, it is respectfully requested that this Honorable Court grant this Motion for Extension of Time to File Pre-Trial Motions for the reasons stated herein.

Respectfully submitted,

**RIDGE and McLAUGHLIN**

By: s/David G. Ridge, Esquire  
David G. Ridge, Esquire  
Attorney for the Defendant,  
West End Auto Body, Inc.  
246 West Tenth Street  
Erie, PA 16501  
(814) 454-1010

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<b>Defendants</b>	:	

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing Motion for Extension of Time to File Pre-Trial Motions was served this date via U.S. first class mail upon the plaintiff, Warren Durham, 12119 Matherson Avenue, Cleveland, Ohio 44135, in accordance with Rules of this Court.

Respectfully submitted,

**RIDGE & MCLAUGHLIN**

By: s/David G. Ridge, Esquire  
David G. Ridge, Esquire  
246 West Tenth Street  
Erie, PA 16501  
(814) 454-1010

Attorney for Defendant  
West End Auto Body, Inc.

Dated: October 11, 2006